

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 15-20455

v.

HON. MARK A. GOLDSMITH

TIMOTHY JAMES HOLBERT,

Defendant.

**United States' Response to Defendant's Motion to Accept
Previous Filing for Relief and Motion to Strike Defendant's
Reply Brief as Exceeding Page Limitation**

On June 22, 2020, this Court denied Holbert's motion for compassionate release for failure to administratively exhaust his request with the BOP. (R. 41: Order). Holbert's reply brief to his initial motion arrived to chambers after this Court issued its opinion. (Doc. 42: Reply Brief).

The United States agrees that the 30 day time period has now passed, and Holbert may seek relief with this Court. The United States does not object to this Court's re-filing of his initial motion, Document 33,

dated May 8, 2020. And the United States would incorporate its initial response, dated June 15, 2020, Document 39, as a full response to Holbert's motion.

But the United States moves to strike Holbert's reply brief, Document 42, because it exceeds the seven page limit that Local Rule 7.1 requires. Holbert's reply brief is 21 pages without exhibits. His brief fails to comply with the Rules, and should be stricken. The United States does not object to an allowance of time for Holbert to refile the reply brief in accordance with Local Rule 7.1.

Conclusion

For the reasons stated in its response dated June 15, 2020, Holbert's motion for compassionate release should be denied.

Respectfully submitted,

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Dated: July 13, 2020

Certificate of Service

I hereby certify that on July 13, 2020, I electronically filed the United States' Response to Defendant's Motion to Accept Previous Filing for Relief and Motion to Strike Defendant's Reply Brief as Exceeding Page Limitation with the Clerk of the Court of the Eastern District of Michigan using the ECF system. A copy of which will be sent via USPS to:

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